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ADRIAN RISKIN

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

CIVIL – UNLIMITED JURISDICTION

ADRIAN RISKIN, Petitioner and Plaintiff, vs. DOWNTOWN LOS ANGELES PROPERTY OWNERS ASSOCIATION, a non-profit corporation, Respondent and Defendant.	Case No.: BS174792 **PETITIONER'S RESPONSE TO RESPONDENT'S OBJECTIONS SERVED WITH ITS OPPOSITION BRIEF** **[Gov't Code § 6250, *et seq.* Civ. Proc. Code § 1085, *et seq.*]** **DATE: June 26, 2019** **TIME: 9:30 A.M.** **DEPT: 86** **JUDGE: Hon. Mitchell L. Beckloff**

PETITIONER'S RESPONSES TO RESPONDENT'S OBJECTIONS

Respondent's Objections to Riskin Declaration

Respondent's Objection Number 1

"One record responsive to Request #1 is a February 2016 email exchange between Respondent's Executive Director Rena Leddy (rena@fashiondistrict.org) and Jessica Lall at the South Park BID (jessica@southpark.la) regarding sponsorship of an event." (Riskin Decl., Para. 4, 2:5-7.)

Grounds for Objection Number 1: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 1

Petitioner provided facts establishing that he obtained the email via a CPRA request to the Media District BID. The existence of the email is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection Number 2

Another record responsive to Request #1 is an August 2016 email from Leddy to a number of individuals of other BIDs, including Jessica Lall at the South Park BID, regarding a LA BID Salary and Benefits survey." (Riskin Decl., Para. 5, 2:11-13.)

Grounds for Number Objection 2: Lack of personal knowledge (Evid.C. § 702(a)); lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 2

Petitioner provided facts establishing that he obtained the email via a CPRA request to the Melrose BID. The existence of the email is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection Number 3

"Another record responsive to Request #1 is a June 2016 email from Jasmine Ramos, an Administrative Assistant with Respondent (Jasmine @fashiondistrict.org), to a number of individuals at the City of Los Angeles and other BIDs including Lall at the South Park BID, Josh Kreger at the South Park BID (iosh(a),southpark.la), Laura Hill at the South Park BID (laura@southpark.la), and Priscilla Hsu at the South Park BID (pricilla@southpark.la), regarding a meeting of the Los Angeles BID Consortium." (Riskin Decl., Para. 6, 2: 16-21.)

Grounds for Objection Number 3: Lack of personal (Evid.C. § 702(a)); lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 3

Petitioner provided facts establishing that he obtained the email via a CPRA request to the Media District BID. The existence of the email is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein..

Respondent's Objection Number 4

"Another record responsive to Request #1 is a February 2017 email from Ramos to a number of individuals at other BIDs including Lall, Kreger, and Katie Kiefer (katie@southpark.la) at the South Park BID, regarding a BID Consortium Happy Hour. (Riskin Decl., Para. 7, 2:24-26.)

Grounds for Objection Number 4: Lack of personal knowledge (Evid.C. § 702(a)); lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 4

Petitioner provided facts establishing that he obtained the email via a CPRA request to the East Hollywood BID. The existence of the email is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection Number 5

"Records obtained from other BIDs indicate that Ramos sent numerous emails regarding the Los Angeles BID Consortium in 2016 and 2017, including monthly scheduling emails." (Riskin Decl., Para. 8 8, 3:3-3-6.)

Grounds for Objection Number 5: Lack of personal knowledge (Evid.C. § 702(a)); lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 5

Petitioner provided facts establishing that he obtained emails from Ramos in response to CPRA requests to a number of other BIDs. Petitioner's knowledge arises from these many records he obtained in response to those CPRA requests. That Ramos sent the referenced emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the emails rather than the truth of the matter asserted therein.

Respondent's Objection 6

"Many of those emails were sent to her own email address (jasmine@fashiondistrict.org) with the email address of other recipients presumably appearing the "bcc" address line." (Riskin Decl., Para.15 8, 5-6.)

Grounds for Objection Number 6: Lack of personal knowledge (Evid.C. § 702(a)); lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 6

Petitioner provided facts establishing that he obtained emails from Ramos in response to CPRA requests to a number of other BIDs. Petitioner's knowledge arises from these many records he obtained in response to those CPRA requests. That Ramos recipients likely appeared in the "bcc" line is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the emails rather than the truth of the matter asserted therein.

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Respondent's Objection Number 7

"As shown by emails attached in Exhibit A, individuals with the South Park BID received BID Consortium emails from Ramos when email addresses appeared in the "to" line." (Riskin Decl., Para. 8, 22 3:6-8.)

Grounds for Objection Number 7: Lack of personal knowledge that email sent by Ms. Ramos (Evid.C. § 702(a)); lack of authenticity that document reflects email sent by Ms. Ramos (Evid.C. §§ 1400, 1413); Irrelevant as not the subject of the Petition (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 7

Petitioner provided facts establishing that he obtained Exhibit A from a CPRA request to the Media District BID. That individuals with the South Park BID received BID Consortium emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the emails rather than the truth of the matter asserted therein.

Respondent's Objection Number 8

"If South Park BID members also received emails when recipients' email addresses appeared in the "bcc" line, those emails would be responsive to this request as well." (Riskin Decl., Para. 8, 3:8-10).

Grounds for Objection Number 8: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 8

Petitioner provided facts establishing that he obtained Exhibit A from a CPRA request to the Media District BID. That emails to the South Park BID are responsive to Petitioner's request is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the emails rather than the truth of the matter asserted therein.

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Respondent's Objection Number 9

"The BID Consortium is an association of Los Angeles BIDs through which BIDs share information and work collectively." (Riskin Decl., Para. 9, 3:11-12.)

Grounds for Objection Number 9: Lack of personal knowledge (Evid.C. § 702(a)); Irrelevant (Evid.C. §§ 350, 352); Opinion (Evid.C. §§ 800, 803); Argumentative.

Petitioner's Response to Objection Number 9

Petitioner provided facts establishing that he reviewed the BID Consortium's website and that he reviewed multiple emails and agendas relating to the BID Consortium. Petitioner's knowledge arises from that review. The nature of the BID Consortium is relevant to show that emails related to the BID Consortium relate to the business of the BIDs and, thus, are responsive to Petitioner's CPRA request.

Respondent's Objection Number 10

"The association is described on the Los Angeles City Clerk's website." (Riskin Decl., Para. 9, 14 3: 12-13.)

Grounds for Objection Number 10: Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Irrelevant (Evid.C. §§ 350, 352); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 10

This statement, taken with the statement Respondent objected to in Respondent's Objection Number 9 and with Exhibit B to the Riskin Decl., establish the nature of the BID Consortium which is relevant to show that emails related to the BID Consortium relate to the business of the BIDs and, thus, are responsive to Petitioner's CPRA request. This statement is not hearsay because it is not testimony as to an out of court statement.

Respondent's Objection Number 11

"A BID Consortium Meeting Agenda from February 2017 show that the BIDs used the Consortium to address the topic of street vending, as well as Measure H, the LA County Homeless Initiative." (Riskin Decl., Para. 9, 3:13-5).

Grounds for Objection Number 11: Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity; (Evid.C. §§ 1400, 1413); Opinion (Evid.C. §§ 800, 803); Foundation ((Evid.C. § 403).

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Petitioner's Response to Objection Number 11

That the BID Consortium addressed street vending, Measure H, and the LA County Homeless Initiative is relevant to show that such topics are related to BID business and that emails relating to those topics would be responsive to Petitioner's CPRA requests. Petitioner provided facts establishing that he obtained the agenda in response to a CPRA request to the Hollywood BID. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the agenda rather than the truth of the matter asserted therein.

Respondent's Objection Number 12

"I received this agenda on March 17, 2017, in response to a CPRA request to the East Hollywood BID." (Riskin Decl., Para. 9, 3:15-16.)

Grounds for Objection Number 12: Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity; (Evid.C. §§ 1400, 1413); Hearsay (Evid.C. § 1200); Foundation ((Evid.C. § 403).

Petitioner's Response to Objection Number 12

This is testimony that is within Petitioner's knowledge that lays foundation for Exhibit B to Petitioner's Declaration.

Respondent's Objection Number 13

"Attached as Exhibit F to the Petition for Writ of Mandate are emails from BID Chairman Chatoff which the BID did not provide in response to Request #1 and which show that Chatoff conducted BID business via email." (Riskin Decl., Para. 10, 3:19-21.)

Grounds for Objection Number 13: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403); Argumentative.

Petitioner's Response to Objection Number 13

Petitioner has personal knowledge of whether the BID provided a certain email in response to his CPRA requests. Petitioner provides facts establishing that he obtained these emails in response to a separate CPRA request to Respondent. The existence of the emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for

the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection Number 14

"The first email is a March 25, 2017 email from Leddy to Chatoff at which Leddy, from BID email, coordinated Chatoff's attendance at another BID meeting at which the Skid Row Neighborhood Council election would be discussed." (Riskin Decl., Para. 10, 3:21-23.)

Grounds for Objection Number 14: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 14

Petitioner provides facts establishing that he obtained these emails in response to a separate CPRA request to Respondent. The existence of the emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection Number 15

"The second email is an email from Leddy to Chatoff and other recipients regarding the BID's political organizing in response to the Skid Row Neighborhood Council election." (Riskin Decl., 3 :23-20 25.)

Grounds for Objection Number 15: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 15

Petitioner provides facts establishing that he obtained these emails in response to a separate CPRA request to Respondent. The existence of the emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection Number 16

"The third is an additional email from Leddy to Chatoff and other recipients regarding the BID' s political organizing in response to the Skid Row Neighborhood Council election." (Riskin Decl., Para.27 10, 3:25-27.)

Grounds for Objection Number 16: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403); Argumentative.

Petitioner's Response to Objection Number 16

Petitioner provides facts establishing that he obtained these emails in response to a separate CPRA request to Respondent. The existence of the emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection Number 17

"Regarding Request #2, the request for Urban Place Consulting (UPC) emails, Respondent's 2017 Meeting Calendar, including Respondent's January 2017 Board Agenda and Packet, show that the Renewal Committee met twice a month, on the 1st and 4th Thursday of the month." (Riskin Decl., Para.7 11,4:2-5).

Grounds for Objection Number 17: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Relevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 17

Petitioner provides facts establishing that he obtained these emails in response to a separate CPRA request to Respondent. The number of Renewal Committee meetings is relevant to show additional records likely exist and thus Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

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Respondent's Objection Number 18

"Regarding Request #3, the request for Becker emails related to the BID, the BID never produced any records in response to this request, including email to Board Member announcing the August 2017 Board Meeting." (Riskin Decl., Para. 12, 4:7-9.)

Grounds for Objection Number 18: Irrelevant ("including email to Board Member announcing the August 2017 Board Meeting, which was not requested") (Evid.C. §§ 350, 352).

Petitioner's Response to Objection Number 17

As discussed in Petitioner's Reply Brief, the proper time scope of a CPRA which is not explicitly limited by timescope is all records which exist as of the date of the search. This statement is relevant to show that the BID failed to provide a responsive record.

Respondent's Objection to Cisneros Declaration

Respondent's Objection Number 1

"The following articles establish that the activities of Business Improvement Districts generally, and Respondent in particular, have been the subject of scholarly and journalistic attention, particularly those BID activities related to political advocacy and municipal lobbying." (Cisneros Decl., Para. 2, 23 1:25-27.)

Grounds for Objection Number 1: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 1

Declarant stated facts sufficient to establish the existence of the articles, which shows that BID activities have been the subject of scholarly and journalistic attention. The attention is relevant to establish that there is a public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection Number 2

"Attached as Exhibit A is a 2018 Report from the University of California, Berkeley School of Law Policy Advocacy Clinic prepared for the Westers Regional Advocacy Project titled "Homeless 2 Exclusion Districts: How California Business Improvement Districts Use Policy Advocacy and Policing Practices to Exclude Homeless People from Public Space." (Cisneros Decl., Para. 3, 2:1-4).

Grounds for Objection Number 2: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 2

This is a foundational statement describing an attachment to the Declaration.

Respondent's Objection Number 3

"That report found that "BIDs advocate at the local and state levels for their policy preferences on a variety of issues that they believe affect property owners ... BIDs seek to enact, maintain, and strengthen laws that criminalize activity like sitting, resting, sleeping, panhandling, and food sharing in public spaces." (Cisneros Decl., Para. 4, 2:7-10.)

Grounds for Objection Number 3: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 2

This is an excerpt from the attached report.

Respondent's Objection Number 4

"At the local level, BIDs often support of anti-homeless ordinances by testifying at city council meetings and in other public forums." (Cisneros Decl., Para. 4, 2:10-12.)

Grounds for Objection Number 4: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 4

This is an excerpt from the attached report.

Respondent's Objection Number 5

"Attached as Exhibit B is a June 21, 2017, article in the LA Weekly titled "Who Killed the Skid Row Neighborhood Council." (Cisneros Decl., Para. 5, 2:13-15.)

Grounds for Objection Number 5: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 5

This is a foundational statement describing an attachment to the Declaration.

Respondent's Objection Number 6

"That article discusses the activities of Respondent, in concert with other BIDs, to oppose the formation of the Skid Row Neighborhood Council." (Cisneros Decl., Para. 6, 2:16-17.)

Grounds for Objection Number 6: Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant as not the subject of the Petition (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 6

Declarant established knowledge of the article's contents. The article is relevant to show journalistic attention toward the BID's activities which goes to the public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein.

Respondent's Objection Number 7

"According to the article, the reporting regarding BID activities was based on records obtained via a California Public Records Act request." (Cisneros Decl., Para. 6, 2:17-19.)

Grounds for Objection Number 7: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 7

Declarant established knowledge of the article's contents.

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Respondent's Objection Number 8

Attached as Exhibit C is a MyNewsLA.com article titled "Requests to clean up LA homeless encampments drowning city resources." (Cisneros Decl., Para. 7, 2:20-21.)

Grounds for Objection Number 8: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 8

This is a foundational statement describing an attachment to the Declaration.

Respondent's Objection Number 9

"That article reports on a request from the Los Angeles Bureau of Sanitation to the Los Angeles City Council for additional funding." (Cisneros Decl., Para. 8, 2:24-25.)

Grounds for Objection Number 9: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 9

Declarant established knowledge of the article's contents. The article is relevant to show journalistic attention toward the BID's activities which goes to the public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein.

Respondent's Objection Number 10

"The article found Respondent's advocacy at the City Council meeting in support of LA newsworthy and the article reports statements of Respondent's Executive Director Leddy." (Cisneros 28 Decl., Para. 8, 2:25-27.)

Grounds for Objection Number 10: Lack of personal knowledge (Evid.C. § 702(a)); Lack of 2 authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); 3 Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 9

Declarant established knowledge of the article's contents. The article is relevant to show journalistic attention toward the BID's activities which goes to the public interest in the activities of the BID

pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein.

Respondent's Objection Number 11

"Attached as Exhibit is a May 25, 2017, ApparalNews.net article reporting on staff changes at Respondent." (Cisneros Decl., Para. 9, 3:1-2.)

Grounds for Objection Number 11: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 11

This is a foundational statement describing an attachment to the Declaration.

Respondent's Objection Number 12

"That article found the BIDs operations newsworthy, quotes Executive Director Leddy, as well as BID Board Members, and reports that Leddy had been delegating more responsibility to Board Members and Organizing Committees on the issues of homeless and street vending." (Cisneros Decl. 14 Para. 10, 3:5-8.)

Grounds for Objection Number 12: Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 11

Declarant established knowledge of the article's contents. The article is relevant to show journalistic attention toward the BID's activities which goes to the public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein.

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Respondent's Objection Number 13

"According to Financial Statements found on Respondent's website at http://fashiondistrict.org/wp-content/up1oads/2014/02/Fashion-BID-20 I 8-Fin-Strnts-GAAP-FINAL-4-8-19-002.pdf, Respondent collected over $4 million in revenue in 2018, the large majority of which came from assessments to parcels of real property which the City of Los Angeles collects and disburses to Respondent." (Cisneros Decl., Para. 11, 3:9-13.)

Grounds for Objection Number 13: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 13

Declarant established his knowledge of the BID's website. The fact that the BID obtains in millions of dollars of disbursements from the City goes to the public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

Respondent's Objection Number 14

"According to information on Respondent's website, the BID engages in government advocacy on topics such as clearing homeless encampments, performs graffiti cleanups, and operates a 24 hour security force. (Cisneros Decl., Para. 15, 3:15-17.)

Grounds for Objection Number 14: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 14

Declarant established his knowledge of the BID's website. The nature of the BID's activities goes to the public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255 and to whether any given record is related to BID business for purposes of disclosure. These statements are permissible hearsay as an admission of a party opponent.

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Respondent's Objection Number 15

"A roster of BID Board Members from 2016 appears on Respondent's website; according to that roster, all BID Board Members provided non-BID email addresses as their email contact." (Cisneros Decl., Para. 13, 3:19-21.)

Grounds for Objection Number 15: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 15

Declarant established his knowledge of the BID's website. That the BID lists personal email addresses of Board Members on publicly posted roster goes to the fact that BID Board Members conduct BID business using private emails. These statements are permissible hearsay as an admission of a party opponent.

Respondent's Objection Number 16

"A true and accurate copy of the Roster from the BID's website is attached as Exhibit G." (Cisneros Decl., Para. 13, 3:21-22.)

Grounds for Objection Number 16: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection Number 16

This is a foundational statement describing an attachment to the Declaration.

Respondent's Objections to Exhibits to Declaration of Adrian Riskin

Respondent's Objection to Exhibit A (1)

Exhibit A- What purports to be a series of emails (3 pages) unrelated to the BID, with an email from the South Park BID to Ms. Leddy inquiring if the BID is sponsoring a "Women & Safety" seminar, to which Ms. Leddy responds that the BID does not have the money to do so, dated February 2016.

Grounds for Objection to Exhibit A: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit A (1)

The foundation was laid in Riskin's Declaration. The email is relevant to show that the BID failed to produce all responsive records. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

Respondent's Objection to Exhibit A (2)

Exhibit A- What purports to be two emails, one from Andrew Thomas at the Westwood Village BID to a number of BID Executive Directors regarding a draft "LA BID Salary and Benefits Survey," and Ms. Leddy's response thereto about adding a category for advanced degrees, dated August 2016.

Grounds for Objection to Exhibit A: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit A (2)

The foundation was laid in Riskin's Declaration. The email is relevant to show that the BID failed to produce all responsive records. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

Respondent's Objection to Exhibit A (3)

Exhibit A- What purports to be two duplicate copies of an email from the BID to a number of BIDs reminding of a BID Consortium meeting, dated June 2016.

Grounds for Objection to Exhibit A: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit A (3)

The foundation was laid in Riskin's Declaration. The email is relevant to show that the BID failed to produce all responsive records. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

Respondent's Objection to Exhibit A (4)

Exhibit A- What purports to be an email from the BID to a number of BIDs reminding of a BID Consortium meeting, dated February 2017.

Grounds for Objection to Exhibit A: Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit A (4)

The foundation was laid in Riskin's Declaration. The email is relevant to show that the BID failed to produce all responsive records. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

Respondent's Objection to Exhibit B (1)

Exhibit B- What purports to be a print out from an unidentified source.

Grounds for Objection to Exhibit B: Lack of personal knowledge; (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit B (1)

The foundation was laid in Riskin's Declaration. The description of the Consortium is relevant to show that emails related to the Consortium relate to BID business and goes to the fact that the BID failed to produce all responsive records. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein and/or a printout from a City website carries indicia of reliability.

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Respondent's Objection to Exhibit B (2)

Exhibit B- What purports to be a printout of a meeting agenda for "Los Angeles BID Consortium" for February 9, 2017, which references that "Legislative/Legal Updates" on Street Vending and Measure H.

Grounds for Objection to Exhibit B: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit B (2)

The foundation was laid in Riskin's Declaration. That the BID Consortium addressed street vending, Measure H, and the LA County Homeless Initiative is relevant to show that such topics are related to BID business and that emails relating to those topics would be responsive to Petitioner's CPRA requests The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the topic of the article rather than the truth of the matter asserted therein.

Respondent's Objection to Exhibit C

Exhibit C- What purports to be a "LA Fashion District BID 2017 Meeting Calendar by Month."

Grounds for Objection to Exhibit C: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit C

The foundation was laid in Riskin's Declaration. The number of Renewal Committee meetings is relevant to show additional records likely exist and thus Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or it is permissible as the admission of a party opponent.

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Respondent's Objection to Cisneros' Exhibits

Respondent's Objection to Exhibit A

Exhibit A- What purports to be a term paper that has nothing to do with and does not reference the Downtown Los Angeles Property Owners Association.

Grounds for Objection to Exhibit A: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit A

The foundation was laid in Cisneros' Declaration. The report shows that BID activities have been the subject of scholarly and journalistic attention. The attention is relevant to establish that there is a public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection to Exhibit B

Exhibit B- What purports to be newspaper article from the LA Weekly, which cites Riskin as its source.

Grounds for Objection to Exhibit B: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit B

The foundation was laid in Cisneros' Declaration. The article shows that BID activities have been the subject of scholarly and journalistic attention. The attention is relevant to establish that there is a public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection to Exhibit C

Exhibit C- What purports to be a printout from an online source, which also purports to cite Ms. Leddy as supporting resources for housing for the homeless, which is of no relevance here.

Grounds for Objection to Exhibit C: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); 2 Opinion (Evid.C. §§ 800, 803); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit C

The foundation was laid in Cisneros' Declaration. The article shows that BID activities have been the subject of scholarly and journalistic attention. The attention is relevant to establish that there is a public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

Respondent's Objection to Exhibit D

Exhibit D- What purports to be a printout from Los Angeles Apparel News, which praises Ms. Leddy.

Grounds for Objection to Exhibit D: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Opinion (Evid.C. §§ 800, 803); Foundation.

Petitioner's Response to Objection to Exhibit D

The foundation was laid in Cisneros' Declaration. The article shows that BID activities have been the subject of scholarly and journalistic attention. The attention is relevant to establish that there is a public interest in the activities of the BID pursuant to Cal. Gov. Code § 6255. The statement is not hearsay because Declarant is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein.

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Respondent's Objection to Exhibit F of Petition.

Exhibit F-What purports to be emails.

Grounds for Objection to Exhibit F: Lack of personal knowledge (Evid.C. § 702(a)); Lack of authenticity (Evid.C. §§ 1400, 1413); Irrelevant (Evid.C. §§ 350, 352); Hearsay (Evid.C. § 1200); Foundation (Evid.C. § 403).

Petitioner's Response to Objection to Exhibit F of Petition

The foundation was laid in ¶ 10 of the Riskin Declaration. The existence of the emails is relevant to show Respondent failed to provide all responsive emails in response to Petitioner's CPRA request. The statement is not hearsay because Petitioner is not testifying to an out of court statement and/or the testimony is for the non-hearsay purpose of the existence of the email rather than the truth of the matter asserted therein and/or it is permissible as the admission of a party opponent.

DATED: June 10, 2019

ABENICIO CISNEROS
Attorney for Petitioner